

IN THE SUPREME COURT OF THE STATE OF ALASKA

DOCKETING STATEMENT B

**For Use With Petitions for Hearing, Petitions for
Review, and Original Applications and
as a Notice of Intent to File Sentence Petition**

INSTRUCTIONS FOR MULTIPLE PARTIES OR ATTORNEYS: If there are multiple parties or attorneys, repeat the appropriate box. This may be done on a separate page. Please clearly indicate which attorney represents which party.

(for court system use)

No. _____

1. TYPE OF PETITION

Type of Petition	Court of Appeals or Superior Court Case Number	Date of Distribution of Decision or Order to be Reviewed	Superior Court Judge	Subsequent Proceedings
a. <input type="checkbox"/> Petition for Hearing from Court of Appeals				Petition for Rehearing: <input type="checkbox"/> not filed <input type="checkbox"/> filed. Date filed: _____ <input type="checkbox"/> Date of distribution of order denying petition: _____
b. <input type="checkbox"/> Petition for Hearing from Superior Court				
c. <input type="checkbox"/> Petition for Review <input type="checkbox"/> Notice of Intent to file Sentence Petition				Motion for Reconsideration: <input type="checkbox"/> not filed <input type="checkbox"/> filed. Date filed: _____ <input type="checkbox"/> denied by order distribution: _____ <input type="checkbox"/> deemed denied under Civil Rule 77(k)(4).
d. <input checked="" type="checkbox"/> Original Application <input type="checkbox"/> from Court of Appeals case No. _____ <input checked="" type="checkbox"/> from trial court case. No. <u>3AN-21-08869CI</u> Judge <u>Thomas Matthews</u> <input checked="" type="checkbox"/> Other. Explain: <u>Rule 216.5 - Expedited Appeals and Petitions in Election Redistricting Cases</u>				

2. PETITIONER

a. Name See attached Addendum	b. Status in the Trial Court <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
c. Petitioner Mailing Address (not attorney's address)	<input type="checkbox"/> Other. Specify: _____
City _____ State _____ Zip Code _____	d. Telephone _____

3. PETITIONER'S ATTORNEY

a. Name Stacey C. Stone	b. Bar Number 1005030	
c. Attorney Mailing Address 701 W. 8th Avenue, Suite 700	d. Telephone 907-274-0666	e. Fax 907-277-4657
City _____ State _____ Zip Code _____ Anchorage AK 99501	f. Firm/Agency Holmes Weddle & Barcott, P.C.	

4. RESPONDENT

a. Name Alaska Redistricting Board	b. Status in the Trial Court <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant
c. Respondent Mailing Address c/o Schwabe Williamson & Wyatt, P.C.	<input type="checkbox"/> Other. Specify: _____
City _____ State _____ Zip Code _____ Anchorage AK 99501	d. Telephone 907-339-7125

5. RESPONDENT'S ATTORNEY

a. Name See attached Addendum	<input type="checkbox"/> Court Apptd	b. Bar Number
c. Attorney Mailing Address	d. Telephone	e. Fax
City	State	Zip Code
f. Firm/Agency		

6. CONSTITUTIONAL ISSUES

Is the constitutionality of a state statute or regulation at issue in this proceeding?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, cite statute or regulation: _____		

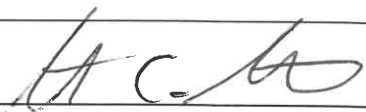
7. SENTENCE PETITIONS ONLY

a. <input type="checkbox"/> Excessiveness of the sentence is the ONLY issue.
b. <input type="checkbox"/> A transcript of the sentencing proceeding is requested because Petitioner is indigent. (If petitioner has not been adjudicated indigent by the trial court, a completed, financial statement affidavit form must be attached.)

8. ATTACHMENTS

The following items are submitted with this form (a, b, or c must be check unless this is a notice of intent to file sentence petition):	
a. <input type="checkbox"/> The original petition for review and SIX copies or	<input type="checkbox"/> petition for hearing from the superior court and SIX copies; OR
b. <input type="checkbox"/> The original petition for hearing from the court of appeals and NINE copies; OR	
c. <input checked="" type="checkbox"/> The original application and SIX copies. Notice of Appeal and Statement of Points on Appeal	
d. <input checked="" type="checkbox"/> A copy of the judgment or order from which relief is sought attached to the original petition and EACH copy.	
e. <input checked="" type="checkbox"/> A \$250 filing fee <u>or</u>	<input type="checkbox"/> a motion to appeal at public expense (financial statement affidavit form must be included).
	<input type="checkbox"/> a motion to waive filing fee (if basis for motion is inability to pay, financial statement affidavit form must be included).
	<input type="checkbox"/> no filing fee is required because appellant is
	<input type="checkbox"/> represented by court-appointed counsel.
	<input type="checkbox"/> the state or an agency thereof.
	<input type="checkbox"/> an employee appealing denial of benefits under AS 23.20 (Employment Security Act)
f. A motion for expedited action	<input type="checkbox"/> submitted <input checked="" type="checkbox"/> not submitted.
g. A motion for stay of trial court proceedings	<input type="checkbox"/> submitted <input checked="" type="checkbox"/> not submitted

2/17/22
Date


Signature of Petitioner or Petitioner's Attorney

CERTIFICATE OF SERVICE

I certify that on _____ a copy of this docketing statement and all attachments (except filing fee) were		
mailed	delivered	to All Parties in the trial court (listed)
<input type="checkbox"/>	<input type="checkbox"/>	See attached Addendum
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
Signature: _____		

ADDENDUM TO DOCKETING STATEMENT B

2. PETITIONERS

- a. Matanuska-Susitna Borough
- b. Plaintiff
- c. 350 E. Dahlia Avenue, Palmer, AK 99645
- d. 907-861-7801

- a. Michael Brown
- b. Plaintiff
- c. 350 E. Dahlia Avenue, Palmer, AK 99645
- d. 907-861-7801

5. RESPONDENT'S ATTORNEYS

- a. Matt Singer
- b. Alaska Bar No. 9911072
- c. 420 L Street, Suite 400, Anchorage, AK 99501
- d. 907-339-7125
- e. 503-796-2900
- f. Schwabe, Williamson & Wyatt, P.C.

- a. Lee Baxter
- b. Alaska Bar No. 1510085
- c. 420 L Street, Suite 400, Anchorage, AK 99501
- d. 907-339-7125
- e. 503-796-2900
- f. Schwabe, Williamson & Wyatt, P.C.

CERTIFICATE OF SERVICE (All parties in trial court)

The undersigned certifies that a true and correct copy of *Docketing Statement B*, *Notice of Appeal*, *Statement of Points on Appeal*, and the *Superior Court's Findings of*

Fact and Conclusions of Law, as issued on February 15, 2022, were served on the following parties in the trial court by the method listed below. The undersigned further certifies, pursuant to App. R. 513.5, that the aforementioned documents were prepared in 13 point, proportionately-spaced Times New Roman typeface.

2/17/2022
Date

Mackenzie Milliken
Mackenzie Milliken, Paralegal
Holmes Weddle & Barcott, P.C.

Other Trial Court Plaintiffs:

1. Calista Corporation, William Naneng, and Harley Sundown

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Trial Court Defendants:

1. State of Alaska

Address: c/o Dept. of Law, Attorney General's Office
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Anchorage, AK 99051

Attorney: Thomas Flynn, Esq.

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2. Alaska Redistricting Board

Address: c/o Schwabe Williamson & Wyatt
420 L Street, Suite 400
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Attorneys: Matthew Singer, Esq.
Lee C. Baxter, Esq.
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Trial Court Intervenors:

1. Doyon, Limited; Tanana Chiefs Conference; Fairbanks Native Association; Sealaska; Ahtna, Inc.; Donald Charlie, Jr.; Rhonda Pitka; Cherise Beatus; and Gordon Carlson

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725 E. Fireweed Lane, Suite 420
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Attorneys: Nathaniel Amdur-Clark, Esq.
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Trial Court Amici Curiae:

1. Alaska Black Caucus; National Association for the Advancement of Colored People Anchorage, Alaska Branch #1000; Enlaces; Korean American Community of Anchorage, Inc.; Native Movement; and First Alaskans Institute

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Attorneys for Matanuska-Susitna Borough and Michael Brown

IN THE SUPREME COURT OF THE STATE OF ALASKA

In the Matter of the

2021 Redistricting Plan

Supreme Court No. S-_____

Trial Court Case No: 3AN-21-08869CI (Consolidated)

NOTICE OF APPEAL

Appellants Matanuska-Susitna Borough and Michael Brown (collectively hereinafter referred to as "MSB"), by and through their counsel of record, Holmes Weddle & Barcott, P.C., hereby file this Notice of Appeal pursuant to Alaska R. App. P. 216.5(b).

DATED this 17th day of February 2022, at Anchorage, Alaska.

HOLMES WEDDLE & BARCOTT, P.C.
Attorneys for Matanuska-Susitna Borough
and Michael Brown

By: _____

Stacey C. Stone
Alaska Bar No. 1005030

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IN THE SUPREME COURT OF THE STATE OF ALASKA

In the Matter of the
2021 Redistricting Plan

Supreme Court No. S-_____

Trial Court Case No: 3AN-21-08869CI (Consolidated)

STATEMENT OF POINTS ON APPEAL

Appellants Matanuska-Susitna Borough and Michael Brown (collectively hereinafter referred to as “MSB”), by and through their counsel of record, Holmes Weddle & Barcott, P.C., hereby file the following Statement of Points on Appeal:

1. The court erred in finding the Board followed the *Hickel* process.
2. The court erred in finding that the Board complied with Article VI, Section 6, particularly in finding that the Board created compact districts, particularly where certain districts created bizarrely shaped appendages.
3. The court erred in finding that the Board complied with Article VI, Section 6, particularly in finding that the Board created districts within the MSB that were relatively socioeconomically integrated.
4. The court erred in finding that the Board complied with Article VI, Section 6, particularly in finding that the Board created districts as near as practicable to the population quotient.

5. The court erred in finding that the Board did not violate the quantitative element of equal protection of “one person, one vote”.

6. The court erred in finding that the Board did not violate the qualitative element of equal protection by denying the MSB fair and effective representation.

7. The court erred in finding that the Board did not prioritize the Voting Rights Act (“VRA”) over the Alaska Constitution, even though the court found the Board locked in certain regions, including the VRA districts, which resulted in foreclosing options available to treat the MSB fairly.

8. The court erred in finding that the Board acted in good faith in adopting the maps under the Constitution, when it never meant to meaningfully comply with the timelines set forth in the Article VI, Section 10.

9. The court erred in failing to find that the now perpetual and blatant violations by the Board of the Open Meetings Act do not result in a plan that is void requiring remand.


10. The court erred in failing to address the Open Meetings Act violation set forth by the MSB.

11. The court erred in failing to address the abuse by the Board of the attorney-client privilege, and the waiver of privilege that occurred as a result for certain discussions and those discussions that occurred when the Board illegally entered executive session.

12. The court erred in finding that the Board took a “hard look” at the MSB/Valdez pairing, particularly as the court found that the Board addressed and locked in certain regions on the map first, thus not keeping all of its options open.

DATED this 17th day of February 2022, at Anchorage, Alaska.

HOLMES WEDDLE & BARCOTT, P.C.
Attorneys for Matanuska-Susitna Borough
and Michael Brown

By: 
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